

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JUSTIN JAMES EUGENE CLARK,)	
)	
Petitioner,)	
)	CAUSE NO. 3:17CV319-PPS
vs.)	
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Justin James Eugene Clark, a *pro se* prisoner, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 17-01-101 where a Disciplinary Hearing Officer (DHO) found him guilty of assault with bodily fluids in violation of Indiana Department of Correction Policy A-102. ECF 2 at 1. As a result, he was sanctioned with the loss of 90 days earned credit time.

After Clark filed his petition, the finding of guilt was vacated, his earned credit time was restored, and the matter was expunged from his record. ECF 16-1. The Respondent has filed an amended motion to dismiss because this case is now moot. ECF 16. Clark responded, arguing that dismissal of his petition “would fail to hold the Respondent responsible for their failure to uphold policies within the department of corrections.” ECF 18. However, the scope of this court’s review is limited to determining whether Clark’s due process rights were violated by the imposition of his discipline in ISP 17-01-216. *See Estelle v. McGuire*, 502 U.S. 62, 68 (1991) (“state-law violations provide no basis for federal habeas relief”); *Keller v. Donahue*, 271 F. App’x 531, 532 (7th Cir. 2008) (inmate’s claim that prison

failed to follow internal policies had “no bearing on his right to due process”). Because the challenged disciplinary proceeding and sanctions have been vacated, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

For these reasons:

(1) Respondent’s Amended Motion to Dismiss (ECF 16) is **GRANTED** and this case is **DISMISSED**;

(2) Respondent’s Motion to Dismiss (ECF 14) is **DENIED AS MOOT**;

(3) Petitioner’s Petition to Contest Respondent’s Motion to Dismiss (ECF 18) is **DENIED**; and

(4) the Clerk is **DIRECTED** to close this case.

SO ORDERED.

ENTERED: September 5, 2017

/s/ Philip P. Simon
Judge
United States District Court